

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Bankruptcy No. 10-27082-JAD
DAVID MICHAEL SCHRAVEN and	:	
KELLY MORGANS SCHRAVEN,	:	Chapter 13
	:	
Debtors.	:	Related to Document No. 63
	:	
SELECT PORTFOLIO SERVICING, INC.,	:	Related to Claim No. 2
	:	
Movant,	:	
	:	
vs.	:	
	:	
DAVID MICHAEL SCHRAVEN,	:	
KELLY MORGANS SCHRAVEN,	:	
and	:	
RONDA J. WINNECOUR, CHAPTER 13	:	
TRUSTEE,	:	
	:	
Respondents.	:	
	:	

**MOTION OF SELECT PORTFOLIO SERVICING, INC. TO REOPEN BANKRUPTCY
TO RECOVER UNCLAIMED FUNDS FROM THE COURT REGISTRY**

Now comes Select Portfolio Servicing, Inc. (hereinafter “SPS”), by and through its attorneys, Phelan Hallinan LLP, and files the within Motion to Reopen Bankruptcy to Recover Unclaimed Funds from the Court Registry based upon the following:

1. These proceedings were commenced by the Debtor’s filing of a Voluntary Petition under Chapter 13 on October 1, 2010.
2. U.S. Bank National Association, as Trustee from JPMorgan Chase Bank, N.A., was a creditor of the Debtor and filed an Amended Proof of Claim in this case at Claim No. 2, which is attached hereto as Exhibit “A”.
3. Respondent, Ronda J. Winnecour, serves as the Chapter 13 Trustee in this case.

4. Respondents, David Michael Schraven and Kelly Morgans Schraven, are the Debtors in this proceeding.

6. On April 9, 2013, the Chapter 13 Trustee received returned funds that were remitted to US Bank, N.A. c/o Chase Home Finance and delivered the returned check to the Clerk to be declared as unclaimed funds. The letter to the Clerk indicates that the unclaimed funds in the amount of \$34,995.67, are owed to “*US Bank Na C/O Chase Home Finance*”. A copy of the letter from the Chapter 13 Trustee to the Clerk filed at Docket No. 63, and is attached hereto as Exhibit “B”.

8. One May 23, 2013, Movant mailed a Welcome Letter and a Notice of Assignment, Sale or Transfer of Servicing Rights to the Debtors at 337 Sleepy Hollow Road, Pittsburgh, PA 15228. The servicing of the Debtors’ loan held by JPMorgan Chase Bank, N.A., was transferred to SPS effective June 1, 2013. A copy of SPS’s Welcome Letter and Notice of Assignment, Sale or Transfer of Servicing Rights is attached hereto as Exhibit “C”.

9. Movant believes that the funds to which it was entitled were deposited into the Court Registry pursuant to 11 U.S.C. Sec. 347(a) and cannot be disbursed by the Clerk from the Registry without an Order of Court pursuant to 28 U.S.C. Sec 2041, *et seq.*

10. Local Bankruptcy Rule 3011-1 provides that a request for disbursement of unclaimed funds is made by Motion pursuant to 28 U.S.C. Sec. 2042.

11. Debtors’ bankruptcy was dismissed pursuant to Dismissal Order dated March 13, 2013, and the bankruptcy case was closed on May 30, 2013.

WHEREFORE, Select Portfolio Servicing, Inc., respectfully requests that this Honorable Court grant the Motion to Reopen Bankruptcy to Recover Unclaimed Funds and enter

the attached Order reopening the Bankruptcy in order for Select Portfolio Servicing, Inc. to file a Motion to Pay Unclaimed Funds.

Respectfully submitted,

PHELAN HALLINAN LLP

Date: September 11, 2013

/s/ James A. Prostko, Esquire

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